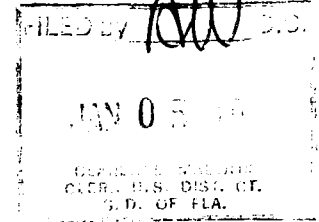


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 02-23090-CIV-LENARD/SIMONTON



FELIX R. MEDINA, et al.,

Plaintiffs,

v.

CUVEN CONSTRUCTION, et al.,

Defendants.

ORDER GRANTING BY DEFAULT DEFENDANT
3C CONSTRUCTION'S DISCOVERY MOTIONS

Presently pending before the Court are Defendant 3C Construction Corporation's Consent Motion To Compel Appearance at Deposition and For the Award of Sanctions (DE # 424, filed 12/9/04) and Defendant 3C Construction Corporation's Consent Motion For Sanctions and To Compel Outstanding Interrogatory Responses (DE # 425, filed 12/9/04). Based on the consent of the parties, these motions are referred to the undersigned Magistrate Judge for final disposition (DE # 43).

Plaintiffs have not responded to these motions and the last day to timely serve a response was December 27, 2004. Therefore, pursuant to Local Rule 7.1 C., it is hereby

ORDERED AND ADJUDGED that Defendant 3C Construction Corporation's Consent Motion To Compel Appearance at Deposition and For the Award of Sanctions (DE # 424, filed 12/9/04), is **GRANTED by default**. On or before February 1, 2005, Plaintiffs Marlon Correa, Anthony McGee, Alberto Noa and Jose Guevera must appear for deposition. Failure to comply with this Order may result in the dismissal of the claims asserted by these Plaintiffs. Pursuant to Fed.R.Civ.P. 37(a)(4)(A), Plaintiffs must pay Defendant 3C Construction Corporation, as a sanction, the reasonable attorney's fees

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[Signature]

incurred by 3C in bringing this motion and the Court Reporter costs incurred by 3C related to Plaintiffs' non-appearance at the noticed depositions. It is further

ORDERED AND ADJUDGED that Defendant 3C Construction Corporation's Consent Motion For Sanctions and To Compel Outstanding Interrogatory Responses (DE # 425, filed 12/9/04) is **GRANTED by default**. On or before January 21, 2005, Plaintiffs Donald Mejia, Carlos Largaespada, Marlon Correa, Anthony McGee, Vladimir Fajardo and Alberto Noa must provide Defendant 3C Construction Corporation with fully executed responses to interrogatories. Failure to comply with this Order may result in the dismissal of the claims of these Plaintiffs. Pursuant to Fed.R.Civ.P. 37(a)(4)(A), Plaintiffs must pay Defendant 3C Construction Corporation, as a sanction, the reasonable attorney's fees incurred by 3C in bringing this motion. It is further

ORDERED that on or before January 21, 2005, Plaintiffs' counsel and counsel for Defendant 3C shall confer in an attempt to resolve the amount of the award to Defendant 3C. If the parties are unable to agree, on or before January 25, 2005, Defendant 3C shall file a motion to establish the amount of the award.

DONE AND ORDERED at Miami, Florida, this 5th day of January, 2005.


ANDREA M. SIMONTON
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

**The Honorable Joan A. Lenard
United States District Judge**

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